

REMARKS SECTION

The present invention treats the scalp with oxygen which is released from hydrogen peroxide contained in a conditioning cream rinse. More particularly as set forth in claim 1 the invention is a method for increasing the health and appearance of the hair and scalp by supplying oxygen directly to the scalp and hair by first wetting the hair and scalp; secondly, applying to the scalp and hair a cosmetic shampoo with pH adjusted between 8.0 and 11.0; and thirdly applying to the scalp and hair a conditioning cream containing from 1.0% to 4.0% hydrogen peroxide wherein the pH of the scalp remains between 8.0 and 11.0.

As shown in the well known equation $2\text{H}_2\text{O}_2 \rightarrow 2\text{H}_2\text{O} + \text{O}_2$ hydrogen peroxide spontaneously is converted to oxygen and water. In the present invention, the pH of the hair and scalp is raised with sodium bicarbonate simply to speed up this decomposition. Factually, hydrogen peroxide converts to free oxygen faster at high pH. Consequently, it is then shown that oxygen is released and made available on the scalp.

The patent examiner has cited two hair dye patents, 6726729 and 5474578, which use hydrogen peroxide to chemically react with dye stuffs to dye hair or remove hair dye. In the present invention as claimed hydrogen peroxide self converts to oxygen without reacting with another compound. In both of these patents, the purpose of the peroxide is to oxidize the dye rather than liberate free oxygen. Neither of them use the pH adjustments coupled with the use of hydrogen peroxide as required by claim 1. Consequently, neither of the cited patents performs the second and third step defined in claim 1 and claim 1 is allowable thereover.

The examiner has cited a third patent 6010990 which uses high pH formulation including both shampoos and cream rinses to first lift the hair cuticle and from the same product add to the hair follicle a polymer for the purpose of increasing the diameter of the hair. The compositions of this invention include one or more nonionic and or cationic polymers which are required to be in combination with the high pH to lift the hair cuticle and allow the deposition of polymer.

The second step of the present invention applies to the scalp and hair a cosmetic shampoo with pH adjusted between 8.0 and 11.0; as compared to the reference which

requires combining polymers with high ph; clearly this reference does not perform the second step as claimed.

The third step of the present invention applies to the scalp and hair a conditioning cream containing from 1.0% to 4.0% hydrogen peroxide wherein the pH of the scalp remains between 8.0 and 11.0. The reference clearly does not disclose the claimed use of hydrogen peroxide and indeed could not make such use in the framework disclosed of the reference. Consequently, this third patent does not perform the second and third step defined in claim 1 and claim 1 is allowable thereover.

Claims 2-5 being dependent upon claim 1 are deemed to be allowable for the same reasons.

Applicant respectfully submits that this application is in condition for a notice of allowance and such notice is respectfully solicited.

Respectfully submitted,

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March 12, 2007